

CRITICAL AREA MITIGATION OPTIONS

Section 90.145 KZC

The following information summarizes the requirements for mitigating wetland and stream impacts, including impact to associated buffers. Detailed information may be found in the [Kirkland Zoning Code, Chapter 90](#).

- When projects create unavoidable impacts to the environment, applicants must offset, or “mitigate” the impacts associated with the project.
- The mitigation process includes avoiding and minimizing the impacts as much as possible, and *then* making up for any unavoidable impacts through implementation of a mitigation project.
- Mitigation projects can occur on-site or off-site. On-site and in-city mitigation are preferred when it is feasible, there is sufficient lot area, and the mitigation is likely to succeed ecologically in the long run. If not, off-site mitigation outside of the city but in the City’s watershed is permitted.
- The critical area modification assessment must address the rationale for locating the mitigation off-site.
- Off-site options include “applicant responsible” mitigation, use of mitigation bank or King County in-lieu fee mitigation.
- Applicant responsible mitigation must be located within Kirkland city limits.
 - The applicant’s critical area professional must prepare a mitigation plan establishing, among other things, measures to assure no net loss of functions and values and rationale for a mitigation site. The applicant is responsible for the installation and ongoing maintenance and monitoring of the mitigation and must post a security device to financially ensure the success of the mitigation. Installation must typically be completed prior to use or final inspection of the development.
- “Mitigation Bank” and “King County’s In-Lieu Fee” programs are located in the Lake Washington/ Cedar River watershed, beyond Kirkland’s City limits.
 - For either program, the program sponsor, not the permit applicant, is responsible for implementing all aspects of the mitigation. After City approval of the use of either option, the applicant makes a one-time payment into the program fund. The fee is based on the proposal’s impact and includes all costs for the mitigation, including design, land acquisition, materials, construction, administration, monitoring and stewardship.
 - Depending on the program, a sponsor may be a public agency, non-profit, private party, tribe or jurisdiction, with approval by the Interagency Review Team (Ecology, the Army Corp of Engineers and other agencies). Typically project sites are capable of compensating for ecological deficiencies of the watershed, and target larger and more ecologically viable and sustainable projects than is possible with applicant responsible mitigation.
 - King County in-lieu fee projects are typically implemented within three growing seasons of receiving funds, after enough credits are pooled to purchase a mitigation site. The applicant must establish the functional loss of the proposal through the “credit debit” method. Follow this link to more information on calculating credits and debits for King County in-lieu fee program: <https://fortress.wa.gov/ecy/publications/summarypages/1006011.html>. Contact King County for more information at 206-477-3865 or visit <http://www.kingcounty.gov/mitigation>
 - Mitigation Banks are specific preselected sites, and are improved in advance of impacts. The applicant must establish the functional loss of the proposal by establishing the wetland category or by using the “credit debit” method. Certification is pending for a mitigation bank located in Redmond that includes Kirkland in its service area. More information on this option is provided by following this link: <http://www.ecy.wa.gov/programs/sea/wetlands/mitigation/banking/use.html>